

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FILED

MAR 22 2006

CLERK, U.S. BANKRUPTCY
ORLANDO DIVISION

In re:

EVERGREEN SECURITY, LTD.,

Case No. 6:01-bk-00533-ABB
Chapter 11

Debtor.

R. W. CUTHILL, JR., TRUSTEE,

Adv. Pro. No. 6:01-ap-00232-ABB

Plaintiff,

vs.

MATAEKA, LTD., et al.,

Defendants.

JUDGMENT

Trial was held on June 8, 9, 16, 17, October 31, and November 7 and 8, 2005 on the Complaint filed by R.W. Cuthill, Jr., the Trustee and Plaintiff herein ("Plaintiff"), against Mataeka, Ltd., Jon M. Knight, J. Anthony Huggins and Atlantic Portfolio Analytics & Management, Inc. a/k/a APAM, Inc., the Defendants herein, seeking to avoid and recover transfers of property of Evergreen Security, Ltd., the Debtor herein ("Debtor") to the Defendants, pursuant to 11 U.S.C. §§ 544 and 550. After reviewing the pleadings and evidence, receiving testimony, exhibits, and in conformity with and pursuant to the Memorandum Opinion entered contemporaneously herewith, it is

ORDERED, ADJUDGED and DECREED that the relief sought in the Plaintiff's Complaint is **GRANTED** as to Counts I, II, III, IV, V, and VI and **JUDGMENT** is hereby entered for the Plaintiff R.W. Cuthill, Jr., Trustee, and against the Defendants Mataeka, Ltd.,

I CERTIFY THE FOREGOING TO BE A TRUE
AND CORRECT COPY OF THE ORIGINAL
UNITED STATES BANKRUPTCY COURT
DAYD K. OLIVERIA, CLERK

A. Benilla

Deputy Clerk

Date: *3/23/06*

J.B. VOL 14 NO 785

[Handwritten signature]

Jon M. Knight, J. Anthony Huggins and Atlantic Portfolio Analytics & Management, Inc. a/k/a APAM, Inc.; and it is further

ORDERED, ADJUDGED and DECREED that the alternative relief sought by the Plaintiff in Count VII of the Complaint is hereby **DENIED** and **JUDGMENT** is hereby entered for Mataeka, Ltd.; and it is further

ORDERED, ADJUDGED and DECREED that Counts VIII and IX of the Plaintiff's Complaint are hereby dismissed; and it is further

ORDERED, ADJUDGED and DECREED that the Plaintiff's request for an award of fees and costs incurred in this matter is hereby **DENIED**; and it is further

ORDERED, ADJUDGED and DECREED that the Plaintiff's request that the pleadings be conformed to the evidence presented at trial to allow him to seek avoidance of the Buy Back Agreement as a fraudulent transfer is hereby **DENIED**; and it is further

ORDERED, ADJUDGED and DECREED that the following transfers made to the Defendants are avoided pursuant to Florida Statutes §§ 726.105(1)(a), 726.105(1)(b), 726.106(1), and 11 U.S.C. § 544(b): (i) the transfer of \$6,500,000 from Evergreen Trust to Mataeka, Ltd.; (ii) the transfer of \$1,225,000 from Mataeka, Ltd. to Jon M. Knight; (iii) the transfer of \$1,275,000 from Mataeka, Ltd. to J. Anthony Huggins; and (iv) the transfer of \$2,500,000 from Jon M. Knight and J. Anthony Huggins to Atlantic Portfolio Analytics & Management, Inc. a/k/a APAM, Inc. The transferred funds constitute property of the bankruptcy estate of the Debtor and are subject to recovery and administration by the Plaintiff pursuant to 11 U.S.C. §§ 550(a) and 541(a)(3); and it is further

ORDERED, ADJUDGED and DECREED that the Court reserves jurisdiction to enter such orders as may be necessary to give full effect to this Judgment.

Dated this 22nd day of March, 2006.



ARTHUR B. BRISKMAN
United States Bankruptcy Judge

Copies to:

Chapter 11 Trustee: R.W. Cuthill, Jr., c/o R. Scott Shuker, Esq., Gronek & Latham, LLP, 390 N. Orange Avenue, Suite 600, Orlando, Florida 32801;

Counsel for Chapter 11 Trustee: R. Scott Shuker, Esq., Gronek & Latham, LLP, 390 N. Orange Avenue, Suite 600, Orlando, Florida 32801

Counsel for Defendants: Scott W. Spradley, Esquire, attorney for Defendants Mataeka, Huggins, and APAM, Gray Robinson, P.A., 301 East Pine Street, Suite 1400, Orlando, Florida 32801;

Counsel for Jon M. Knight, Peter R. Ginsberg, Esquire, Carnegie Hall Tower, 152 West 57th Street, 24th Floor, New York, NY. 10019 and

Office of the United States Trustee, 135 West Central Boulevard, Suite 620 Orlando, Florida 32801.